

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.****WRIT PETITION No.2248 OF 2006****PETITIONER**

Smt. Gomati Bai, aged about 37 years, wife of Shri M.Lal Chandra, Sarpanch Gram Panchayat – Gobra, Janpad Panchayat – Dabhra, Tahsil – Dabhra, District – Janjgir-Champa (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, through – the Secretary, Department of Village Panchayat and Rural Development, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.)
2. The Director (Panchayat) D.K.S. Bhawan Raipur (CG)
3. Collector, Distt. Janjgir-Champa (Chhattisgarh)
4. Sub Divisional Officer, Dabhra, District Janjgir-Champa (CG)
5. Chief Executive Officer, Janpad Panchayat – Dabhra, Tah. Dabhra, District-Janjgir-Champa (CG)
6. Panchayat Inspector, Janpad Panchayat-Dabhra, Tah. Dabhra, Distt. Janjgir-Champa (C.G.)
7. Secretary, Gram Panchayat-Gobra, Janpad Panchayat Dabhra, Tah. Dabhra, Distt. Janjgir-Champa (Chhattisgarh)

Present : Shri A.N. Bhakta, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Deputy G.A. for the State.

ORAL ORDER
(Passed on 01st May, 2006)

Against the order of the Sub Divisional Officer, Dabhra, District Janjgir-Champa, the 4th respondent herein, dated 28-02-2006 disqualifying the petitioner from the post of Sarpanch, the petitioner has preferred an appeal to the Collector, District Janjgir – Champa, the 3rd respondent herein, under section 91 of the Panchayat Raj Adhiniyam

and the same is pending before him. The 3rd respondent has refused to grant interim order. Against the refusal of the interim order by the 3rd respondent, the petitioner preferred a revision before the Director (Panchayat), the 2nd respondent herein, who refused to grant interim order. Hence, this writ petition.

(2) Having heard learned counsel for the parties, it cannot be said that the 2nd and 3rd respondents did not exercise discretion vested in them in the matter of granting interim stay. Unless, the finding recorded by the 4th respondent in his order is upset after finally hearing of the appeal, the petitioner's position as Sarpanch of Gram Panchayat could not be restored. No ground is made out for interference. The writ petition is dismissed. However, the 3rd respondent is directed to hear and disposal of the appeal of the petitioner expeditiously, at any rate, within a period of two months from the date of receipt of a copy of this order. The Registry is directed to send a copy of this order forthwith to the 3rd respondent. No costs.

Sd/-
Chief Justice

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